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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

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IN REPLY PLEASE
REFER TO N# 5968

Admiral Bobby R. Inman
Deputy Director
Central Intelligence Agency
Washington, D.C. 20505

DD/A REGISTRY

FILE: *Security-4-1*

Dear Admiral Inman:

As I mentioned during your February 3rd confirmation hearing before the Select Committee on Intelligence, there are two groups of questions to which I would appreciate receiving your written responses so that they can be included as part of the hearing's record.

The first concerns various proposals to create centralized, Federal data banks holding information on diverse types of criminal, intelligence, and counterintelligence matters. Some of the more extreme proposals suggest that state and local law enforcement agencies should contribute to and draw from such a bank. Personally, I think these extreme proposals threaten worrisome intrusions on privacy, but I would like to hear your considered views on the issue.

The second group of questions relate to recommendations for amending the Freedom of Information Act to provide broader exemptions for the intelligence agencies. Arguments for these amendments point to the use that hostile intelligence services can currently make of the Act and to the burden it puts on the intelligence agencies. I wonder what your personal observations are about the various costs and benefits of the Act as it now applies to the agencies.

Again, Admiral, congratulations on both your promotion and your appointment to the Deputy Directorship. The other members of the Committee and I look forward to working with you in the future.

Yours Sincerely,

OR
Joseph R. Biden

Encls.

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CENTRALIZED DATA BANK QUESTIONS

Admiral Inman, there have been numerous proposals for creating centralized, Federal data banks containing information on diverse types of criminal, intelligence, and counterintelligence matters. These proposals are not new. One, the Heritage Foundation's, is an example of the more extreme suggestions for data base centralization and comprehensiveness.

The Heritage Foundation's recommendations for the intelligence community include the recommendation for, and I quote, "The establishment of central files on counterintelligence and internal security."

The report does not make especially clear what agency should be responsible for these files, who would contribute to them, who would have access to them, or what sorts of information would be submitted.

But given the report's premises, one could make alarming guesses. The guiding premise seems to be, "... it is axiomatic that individual liberties are secondary to the requirements of national security and internal civil order."

The report states elsewhere that "internal security files cannot be restricted to actual or imminent threats" and that "clergymen, students, businessmen, entertainers, labor officials, journalists, and government workers may engage in subversive activities without being fully aware of the extent, purpose, and control of their activities."

The report's rather slack terminology obscures whether files should contain information only on counterintelligence threats or also on domestic political groups with more extreme views and on types of criminal activities other than espionage.

In light of these considerations, could you please discuss your views on central Federal files on internal security matters? Specifically:

1. Should the CIA and FBI consolidate their counterintelligence files?
2. Should state and local law enforcement agencies have direct access to information in any Federal agency files?

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3. Should state and local agencies contribute information to a centralized, internal security data base?
4. (a) Would you support including personal information in these or other centralized files on other than a criminal standard? For example, if an individual only appears suspect without giving probable cause to believe he is engaged in criminal activity, should he be subject to a central file?

(b) What types of activities should be filed in these or other centralized systems? What standards should govern entering information in such files?
5. Should state and local agencies have direct access to each other's files through a central, Federal message switching system?
6. Do you support the Department of Justice's current "minimization procedures" which govern the collection of information and the dissemination of such information to other agencies for various categories of investigated individuals?
7. If your answers to the above questions do not express your views on what changes you would recommend for enhancing Federal counterintelligence or internal security files could you please discuss those views?

FREEDOM OF INFORMATION ACT QUESTIONS

1. In some instances the CIA and FBI have indicated that the Freedom of Information Act (FOIA) is having an unreasonable effect on their ability to gather information and would like some legislative help with an adjustment to the Act.
 - (a) Could you give us your thoughts on this?
 - (b) What changes in the Act would you propose?
 - (c) Do the provisions of the FOIA make too much information available from the agencies?
 - (d) The CIA has said that because of FOIA it is now hard for them to recruit new agents anywhere in the world, and has caused some of our regular foreign agents to quit altogether, while others share only safe information. It has also been said that the FOIA has inhibited Americans from sharing information they have learned during their travel abroad. Would you comment on this?
2. One of the problems we have heard raised is that FOIA resulted in classified information slipping out accidentally, or being pieced together with other information by skilled enemy agents because of the large volume of classified documents that have to be excised for public release. Would you comment?
3. Could you, through secure channels, provide examples in which damage to United States' interests has resulted from FOIA applications to the intelligence agencies?
4. In your estimation which is the greater problem -- the so-called "perception problem" which makes foreign nationals reluctant to cooperate with U.S. intelligence because of how they perceive the implementation of the FOIA, or the assistance FOIA requests and answers might provide hostile intelligence services?

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Remarks:

To 10: Please prepare a response for Admiral Inman's signature.

Executive Secretary